



CHAPTER I

INTRODUCTION: THE LINEAGE OF CIVIL SERVICE

The fundamental idea of democracy is that all men are equal before the law. What proposition is plainer than that every citizen should have an equal opportunity to aspire to serve the public, and that when he does so aspire the only test applied should be that of merit? Any other test is undemocratic. To say that the test of party service should be applied is just as undemocratic as it would be to apply the test of birth or wealth or religion.

—Governor Robert M. La Follette, January 12, 1905

On June 17, 1905, Governor Robert “Fighting Bob” La Follette signed Wisconsin Statute Chapter 363 into law, effectively creating Wisconsin’s civil service system. Only two other states preceded Wisconsin in enacting such a law. The 1905 law established a merit system that required all positions covered under the act to be filled by competitive examination.

And what is the civil service system, exactly? In a nutshell, civil service is the system for hiring, retaining, and promoting employees based on objective assessment of their qualifications and ability to do the work. Wisconsin’s civil service system is grounded in two cornerstones: hiring decisions are merit-based, that is, made on the basis of qualifications, following an open competition and objective evaluation; and removal from service must be based on just cause.

Civil service is anything but a new idea. The concept of civil service dates back to ancient China. It was premised on the beliefs that those entrusted with public duties should meet rigorous standards of qualification and accountability, and that citizens should have equal opportunities to be employed in public service. Today’s civil service system similarly ensures that state employees are appointed based on merit and are well-qualified to carry out their public duties.

For the past 100 years in Wisconsin, the principles of fairness and merit in hiring and other employment

decisions have helped ensure that state government is equipped to deliver the vital public services that its citizens expect and need. Wisconsin’s state employees deliver a wide variety of services that are of enormous importance to all of us, ranging from managing and preserving our abundant natural resources, protecting public health, maintaining our transportation systems, securing public safety, supporting our economic well-being, and many others. The civil service system helps to ensure that these vital services are delivered with professionalism, efficiency, and integrity by highly-qualified state employees.

Wisconsin’s civil service system remains one of the most comprehensive in the nation. The civil service system has retained its core values of merit and fairness with regard to the state government workforce of permanent classified employees. At the same time, the system has been flexible enough to meet the new challenges raised by increasing demands for government services, technological changes, and major societal changes such as the civil rights movement and the rise of organized labor in Wisconsin state government.

This book attempts to convey how the civil service system has grown and evolved to support our state’s progress over the past one hundred years. It outlines the historical context from which our civil service system emerged, the system’s inception at the outset of the 20th century, and the evolution and advancements over the past 100 years that have shaped the system we have today.

Wisconsin's civil service law has also been a vehicle from which other key employee-based initiatives have been derived. Subsequent chapters describe the beginning of the public sector labor movement in Wisconsin in 1932 and the evolving relationship between public sector labor unions and the civil service system. The book also examines the development of the state's affirmative action programs that have promoted a diverse workplace and ensured that our employment practices abide by and advance the principle of equal opportunity for all job seekers and employees.

The civil service system would have no meaning without the state employees for whom the system exists. Thousands of citizens have, over the past 100 years, competed for the opportunity to serve the public welfare as state employees. This book serves as a tribute to their dedication and integrity. Throughout this book, we share observations of current long-term and former state employees, to provide a first-hand account of their experiences in state service.

Over this distinguished 100 year history, Wisconsin has retained the integrity of its civil service protections, while implementing progressive changes to enhance the system's flexibility, fairness, and efficiency. This book seeks to present not just the historical record, but also to celebrate the civil service system's significant role in ensuring that state government meets the high standards of integrity, service, and effectiveness that our citizens deserve.

ORIGINS OF THE CONCEPT OF CIVIL SERVICE

The enactment of the first civil service law in Wisconsin did not materialize in a vacuum. Its passage in 1905 was part of a burgeoning movement in the United States to replace patronage or "spoils" systems with hiring systems based on objective determinations of merit. This movement, particularly as it played out in the federal government, provided the precedent and political momentum that allowed Wisconsin's civil service system to emerge and succeed.

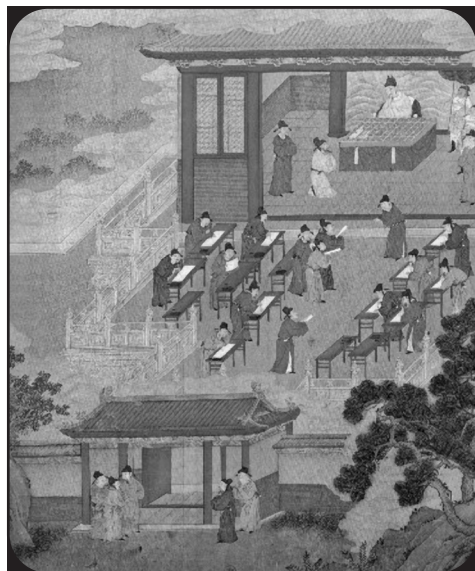
The concept of civil service did not, however, originate in the United States. In fact, the roots of the civil service system date back to the Han dynasty (202 B.C. to 220 A.D.) of ancient China. Many aspects of modern civil service, such as the emphasis on ability and a

scrupulous fairness in the selection process, can be traced back to this time.

Confucianism emphasized the value of the scholar. Professional civil service in China stemmed from an emphasis on education, the sharing of Confucian principles of loyalty and responsibility, and the value of scholarship over aristocratic birth. In ancient China, the emperor governed through loyal governors and bureaucrats in the provinces, who were products of the scholar classes and the examination process. A rigorous examination process thus reinforced the emperor's control of the government.¹

By the end of the Song dynasty in the 12th century, most Chinese government officials were graduates of a highly-developed examination system. There were two levels of examination. The first examination was held in the prefecture, where students were tested on their knowledge of the five Confucian classics, their ability to form judgments and apply principles from the classics, and their literary ability. The second exam, for those who passed the prefecture exam, was the metropolitan examination administered at the capital. In both steps, the examination was closely proctored,² and the name of the scholar and his handwriting were obscured to prevent favoritism.

Chinese civil service, with its emphasis on fairness and objectivity in testing, created a path for commoners to achieve power in government, diminished the power of aristocracy, established consistency of administration across an empire of 120 million people, and consolidated authority in an "executive branch" with the emperor clearly at its head.³ While Wisconsin's civil service law cannot be directly traced to the civil service of ancient



Civil service exam, China.

China, the practices of Confucian China reveal the universal and timeless appeal of a system that values merit and fairness in appointing those who serve the public good.

THE ORIGINS OF CIVIL SERVICE IN THE UNITED STATES

When George Washington was elected president of the new republic in 1789, the fledgling government's urgent task was to define and establish the structure of its executive branch.

Three initial executive departments were created: Treasury, War (now Defense), and Foreign Affairs (State). The next question was what sort of leadership they should have and how those leaders should be appointed. To whom did they report? How long were their terms? What criteria should be used to select them? How could they be removed?

It is some times assumed that the initial decision to define cabinet officers as the President's assistants, responsible to him and for whose acts he in turn took responsibility—rather than as ministers whose functions to some extent rivaled his own—was simply up to Washington, and was made by him. This is only partially true. The departments had first to be established, and it was up to Congress to decide at whose pleasure, and under what conditions, the head of each of them would hold office.⁴

Patronage was unpopular with Americans at the time of the nation's newly-won independence. They had witnessed problems with unqualified political appointees under British rule. While there were no entrenched political parties yet, there were remnants of a division between Federalists, those who favored the new constitution, and Antifederalists, those who had opposed the new constitution.

Washington could have filled his appointments with his friends and supporters and ignored his enemies. However, he realized that if the new nation was to endure, it must be recognized as legitimate in the eyes of all its citizens. Washington resolved the issue by carefully making his appointees those he called “first characters.” Washington had three criteria. The appointee must be a man of demonstrated ability,

with a well-known, substantial record of public service, and he must be respected within his community.

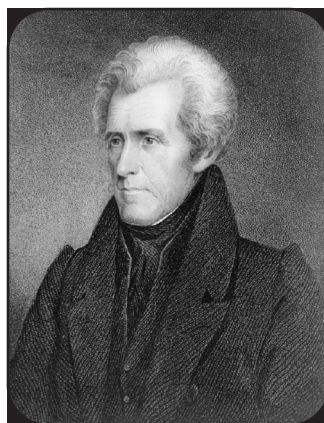
Washington's appointment criteria—merit, accomplishment and character—were based on his own high-minded principles and devotion to the success of the new nation. Washington's first appointees were familiar names: Alexander Hamilton at Treasury, Henry Knox at War, and Thomas Jefferson at Foreign Affairs.⁵ He made between 350 and 390 appointments as President.

A second issue was who should hold the power to remove appointees. Congress gave the president the absolute power to remove executive appointees, without question or recourse. This made them accountable only to him. While Washington had the power of removal, he exercised it only nine times in eight years—some for political reasons and some for cause.⁶

Thus, while Washington's “first characters” approach to government appointments by no means amounted to a civil service system or even an objective selection process, his approach reflected a strong valuing of merit and qualification, and an accompanying distaste for patronage or favoritism. In Washington's own words on the subject, “my private feelings have nothing to do in the case. I am not George Washington, but President of the United States.”⁷

EMERGENCE OF THE FEDERAL SPOILS SYSTEM

While there was no requirement in constitution or law to retain a previous administration's appointees, the first Presidents generally followed Washington's model of maintaining the “First Characters.”



Andrew Jackson

When Andrew Jackson took office in 1829, he found a culture of entitlement and ownership of federal jobs had developed among the executive branch. He was also concerned with tales of corruption.

Once in office, Jackson was inundated with requests for appointments.

Presidents were not isolated from the public in his time. Office seekers “just walked into the office unin-
vited. . . . He was so inundated with office seekers
that at one point he declared he had five hundred
applicants for every office available”⁸—and there
were a lot of offices available.

Jackson, unlike his predecessors, advocated a
philosophy of “rotation of offices,” believing that all
appointees should be terminated every four years.
He viewed the frequent replacement of government
employees as a means to reform a system that had
devolved into entitlement and corruption.

Compared to preceding presidents, Jackson exercised
the right to removal freely. John Adams removed nine
subordinates from the preceding administration “but
none for political opinion’s sake.” Jefferson removed
39, Madison five,
Monroe nine, and John
Quincy Adams two.
Jackson removed 919 in
the first 18 months of
his administration.⁹
James Parton, an early
Jackson biographer,
places the total number
of offices replaced at
over 2,000.¹⁰

Jackson sought to
codify the principle of
rotation in office into
law, but there was
opposition in Congress
to the wholesale
replacement of public
officers. When the pro-
posal was debated on
the senate floor, the
salient moment came
from Senator William L.
Marcy of New York,
who declared, “To the
victor belong the spoils
of the enemy.”¹¹

What Jackson saw as reform, others saw as spoilsman-
ship—including most of the office seekers. Indeed,
one of his appointees, Samuel Swartwout, wrote to a
friend prior to his appointment:

I hold to your doctrine fully that no d--d rascal who
made use of his office or its profits for the purpose of
keeping Mr. Adams in, and General Jackson out of
power, is entitled to the least lenity or mercy, save that
of hanging. So we think both alike on that head.
Whether or not I shall get anything in the general
scramble for plunder, remains to be proven; but I rather
guess I shall.¹²

Mr. Swartwout was appointed to the Collector of the
Port of New York, where he was later found to have
absconded with \$1,222,705.09.¹³ By the time the
magnitude of his theft was understood, he was living
comfortably in Europe.

Recollections of a State Employee

*After separating from my husband, I saw an article in the
Sunday paper about a class at MATC for Displaced
Homemakers. I took the summer school classes in office
support, bank machines, and typing along with many
other women.*

*I took the state civil service exam and passed. I had done
bookkeeping for my husband so when I was offered a job as
a supervisor in the Word Processing Unit at Revenue in 1972,
I took it. I was a supervisor for 10 years until my unit was
consolidated with Purchasing and they abolished the job.*

*They offered me any job that I wanted. I took the receptionist
job which I enjoyed. At the time, Revenue was extremely
friendly; everyone was on a first name basis. I really enjoyed
working at Revenue—only two places I like—budget and
fiscal. I made good friends and I keep in touch with people.*

—Betty Kowing

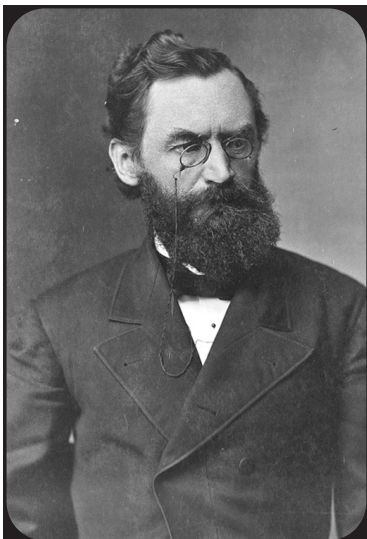
Jackson’s various biogra-
phers treat him either as
a reformer who
removed corrupt office
holders and advocated
rotation in office for the
good of the nation, or
as a patron spoilsman,
who punished his ene-
mies and rewarded his
political supporters.
Undoubtedly, both state-
ments contain some
truth. It is clear that the
basic practices of a
patronage system—
rewarding political
supporters with appoint-
ments, and removing
incumbent officials fol-
lowing a change in
administration—were
firmly established by the
end of Jackson’s term.

THE CALL FOR REFORM

The abuses of the federal spoils system and the increasing size and complexity of government led to the recognition that a professional government civil service, based on special ability and expertise, was needed. Jackson believed that anyone could do a government job. However, with the invention of the typewriter and establishment of technical agencies, departments, and bureaus to deal with things like interstate commerce, the Geological Survey, and other scientific and technical subjects, mere good penmanship was no longer a sufficient qualification for government employment.¹⁴

Federal employment increased from 20,000 in the Jackson years to almost 60,000 during the Civil War, to 131,000 by 1884, to 166,000 by 1891. The number of vacancies to be filled and the volume of office-seekers demanding attention was a huge problem for every new administration:

One of Abraham Lincoln's most distasteful duties as President, but one that he skillfully used to increase power, was to satisfy thousand of requests from Congressmen and party bosses for patronage appointments. Often Lincoln awoke to find a swarm of office seekers buzzing around his bedroom door, waiting for a chance to lobby him for one of the valuable spoils appointments, of which there never seem to be enough. "I have more pegs than holes to put them in," lamented Lincoln.¹⁵



Carl Schurz

Carl Schurz, an abolitionist, Civil War hero, and newspaper editor hailing from Watertown, Wisconsin, was elected to the United States Senate in 1868. At the start of his term in 1869, Schurz wrote to his wife, complaining about the constant throng of increasingly anxious office-seekers:

Almost every night I sit at my writing table till one or two o'clock, merely to prevent my correspondence from swamping me. Before ten o'clock in the morning I sometimes receive 25 to 30 callers.

Of course this is just the worst time. At the beginning of an administration the whole civil service has to be taken care of, and that makes more real drudgery than anything else. . . .

If I have ever been convinced of the necessity of civil service reform, I am so now. It is positive drudgery. Of course it will be better when the patronage shall have been parceled out, but at present it is hardly endurable . . . office-seekers . . . continually swarm me like grasshoppers.¹⁶

Senator Schurz made civil service reform his first priority in office and drafted a bill proposing a merit selection system:

The main point I want to establish by my bill is to avoid the quadrennial scandal of universal office hunting, to deal out the offices according to ability and deserts instead of political and personal favoritism, and thus provide for the republic an honest and economical administration and cleanse our political life of the of corrupting element of office seeking. The method through which I wish to obtain this object consists in this: that every candidate for an office, before he shall be appointed, must submit to a test before an examining commission, and that during the term of office (which is to be lengthened) no officers are to be removed except for inefficiency, neglect of duty, or violation of law.¹⁷

Powerful political interests who had used the system to their advantage opposed the reform. Despite the efforts of Senator Schurz and his core group of reform-minded senators and newspaper editors, it would require fourteen years and the assassination of a President to make civil service reform a reality.

A PRESIDENT'S ASSASSINATION AND THE RENEWED DETERMINATION FOR REFORM

In the presidential election of 1880, a ne'er-do-well named Charles Guiteau gave a few speeches locally on behalf of Republican candidate James Garfield.¹⁸

Following Garfield's election, Guiteau irrationally believed that he was solely responsible for Garfield's success. Guiteau thought that the Republican Party, and President Garfield in particular, owed him a political appointment either as Consul General in Vienna or Consul in Paris. When his constant letters and solicitations for personal meetings were ignored, Guiteau concluded that God wanted him to kill Garfield.

On July 2, 1881, a sweltering Washington day, President Garfield sought to escape the capital for a brief vacation. He went to the Baltimore-Potomac depot to catch a train to join his family at their summer home. Secretary of State James Blaine accompanied him on the crowded platform. Charles Guiteau stepped from the crowd and shot the President twice in the back. Garfield lingered until September 19, 1881. Guiteau, the deranged office-seeker, was hanged a year later.

The nation was incensed. Carl Schurz, George Curtis, Dorman Eaton, E.L. Godkin, and other longtime advocates of civil service reform finally gained the momentum for change. Civil service reform was championed by Eaton, editor of *Harper's Weekly*; by E.L. Godkin, editor of *The Nation*; and by a host of other newspaper editors and civic leaders. Schurz, Curtis, Eaton, and Godkin organized the new National Civil Service Reform Association. Civic groups across the nation took up the cause of civil service reform.¹⁹ In Milwaukee, the Municipal League, the German workers political parties, the Republican Party, and the Milwaukee Club all advocated for political reform.

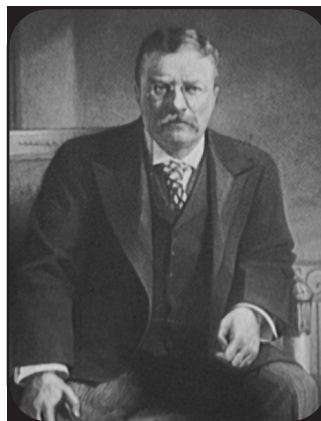
THE PENDLETON ACT, ROOSEVELT AND LEGITIMACY

With the renewed interest in civil service reform after Garfield's assassination, the environment was ripe for new legislation. Five civil service bills had been introduced in Congress and defeated since the Civil War. In 1871 a federal civil service commission was briefly established, requiring examinations and hiring based on merit. But like earlier efforts, it was eventually defeated by apathy and the practical value of spoils politics to the accumulation of power. In 1875 the commission expired.

Following Garfield's assassination in 1881, Schurz, Eaton, and Curtis drafted a federal civil service reform

bill which was introduced in Congress by Senator George Pendleton. President Chester A. Arthur signed the Pendleton Act into law in 1883.

The Pendleton Act created a three-person civil service commission. It established a merit examination and hiring system that was to apply to the customhouses and Postal System, less than ten percent of the 1880s workforce. The act established "competitive examinations for testing the fitness of applicants. . . . Such examinations shall be practical in character." It provided for ranked lists of examinees, probationary periods, and a chief examiner. The act also forbade requiring classified employees to contribute to a political fund or perform political duties.²⁰



Theodore Roosevelt

Even this reform may have languished and faded except for the actions of one very aggressive office-seeker, Theodore Roosevelt. Roosevelt was appointed to the civil service commission in 1889 and almost immediately poured his unbridled energy into his new job. A few weeks after his appointment, he organized the commission into a tour of Midwestern offices. He fired eight people in Minneapolis who had been appointed without being certified. In Milwaukee he caught the postmaster re-marking the tests of Republican office-seekers. While Roosevelt lacked the authority to fire postmasters, he unleashed a torrent of letters and demands both on U.S. Postmaster John Wanamaker and President Harrison. The Milwaukee postmaster resigned a few months later.

Roosevelt's whirlwind tour established the authority of the civil service law. His energy and force of personality made a lot of enemies, but he established the legitimacy of the civil service. When he joined the commission there were approximately 13,000 employees classified under federal civil service authority. By the time he left office in 1895, there were more than 40,000. When he left the presidency in 1908, there were more than 135,000 classified federal employees.

WISCONSIN'S FIRST CIVIL SERVICE SYSTEM— MILWAUKEE POLICE AND FIRE

The first civil service law passed in Wisconsin was an 1885 act establishing a Police and Fire Commission for the City of Milwaukee.²¹ *The Milwaukee Journal* stated in 1921:

For thirty years, from 1855–1885, the force was the football of partisan politics. Appointments were based on “pull,” rather than on merit. Examinations of applicants as to their fitness for positions were unthought of. If the party that had been out of power won a city election it meant that the chief, subordinate officers and many of the patrolmen would be “fired.”²²

In a 1933 article, the *Journal* said:

In the 30 years from 1855 to 1885, during which the police department was under the old political spoils system chiefs of police were changed seven times. Some served only for a year or two and were then dis-

missed as a new administration came in. Since 1885, however, when the police department was divorced from political influences, there have been only three chiefs, the last two serving over a period of 45 years.²³

The new commission made political spoils appointments obsolete. It also established the principle of examinations and merit hiring.

By 1895 the Republican Party, backed by its German labor constituency, the Civil Service Reform Association, and, the Municipal League, continued its reform agenda by getting a bill through the state legislature extending civil service to the other departments of Milwaukee city government.²⁴ By the mid to late 1890s, the era of reform in Wisconsin was well on its way, with civil reform groups, good government clubs, and literary societies all advocating for change. This advocacy set the stage for Wisconsin to enact a civil service law for its state government.

—Dean Paynter, Patricia M. Almond

Recollections of a State Employee

The economy was poor in 1958 when I graduated with a B.S. in Business Administration and a major in Marketing. Businesses were not hiring. I took a state test and was hired by the Bureau of Personnel and worked on the second floor of the Capitol. We became part of DOA in 1959 or '60. I took another exam in 1966 for Administrative Officer and left DOA to work for the Department of Resource Development. Resource Development was very challenging and it was a period of great expansion in the

areas of pollution, water, air, solid waste. We had a lot of support from the legislature. After Resource Development merged with Conservation, I went to Conservation (now Natural Resources) where I transferred to the Personnel Office. I was involved in payroll, contract negotiations, and ended up in labor relations. It was great to be able to contribute.

—Trygve E. Thoresen